



REPORTING OF THE RECORD TASK FORCE

Meeting Minutes

September 17 – 19, 2003

Administrative Office of the Courts

455 Golden Gate Avenue, San Francisco, CA 94102

TASK FORCE MEMBERS PRESENT:

Hon. James A. Ardaiz, Chair, Administrative Presiding
Justice of the Court of Appeal, Fifth Appellate District
Hon. S. William Abel, Presiding Judge, Superior Court
of Colusa County
Ms. Maura Baldocchi, CSR, Official Court Reporter,
Superior Court of San Francisco County
Mr. Gary M. Cramer, CSR, Official Court Reporter,
Superior Court of Los Angeles County
Ms. Deena C. Fawcett, Clerk/Administrator, Court of
Appeal, Third Appellate District
Mr. Edward J. Horowitz, Esq., Law Offices of
Edward J. Horowitz
Ms. Barbara J. Lane, CSR, Supervisor, Court Reporters,
Superior Court of Riverside County
Mr. Len LeTellier, Executive Officer, Superior Court of
Sutter County
Mr. Gary Evan McCurdy, Esq., Assistant Director,
Central California Appellate Program
Ms. Jeanne Millsaps, Executive Officer, Superior Court
of San Joaquin County
Mr. Gordon Park-Li, Executive Officer, Superior Court
of San Francisco County
Ms. Kary Parker, CSR, Official Court Reporter, Superior
Court of Orange County
Mr. Tom Pringle, CSR, Official Court Reporter,
Superior Court of Shasta County
Mr. Alan Slater, Chief Executive Officer, Superior Court
of Orange County
Ms. Fiel Tigno, Esq., Supervising Deputy
Attorney General, Office of the Attorney General,
Department of Justice

TASK FORCE MEMBERS ABSENT:

Hon. John S. Einhorn, Assistant Presiding Judge,
Superior Court of San Diego County
Mr. Paul J. Runyon, Administrator, Litigation Support,
Superior Court of Los Angeles County

TASK FORCE LIAISON:

Ms. Julie R. Peak, CSR, Chair, Court Reporters Board of
California **(Present)**

PRESENTERS:

None

GUESTS:

None

FACILITATOR:

Ms. Sharon Maher, Maher & Company **(Present)**

AOC STAFF PRESENT:

Ms. Pat Sweeten, Director, Executive Office Programs
Division
Ms. Christine E. Patton, Regional Director, Bay
Area/Northern Coastal Region
Ms. Sally Lee, Manager, Executive Office Programs
Division
Ms. Claudia Ortega, Lead Staff, Senior Court Services
Analyst, Executive Office Programs Division
Mr. Yonkel Goldstein, Attorney, Office of the General
Counsel
Mr. Martin Riley, Governmental Affairs Analyst, Office
of Governmental Affairs
Ms. Deborah Silva, Administrative Coordinator,
Executive Office Programs Division
Ms. Josely Yangco-Fronda, Administrative Coordinator,
Executive Office Programs Division

AOC STAFF ABSENT:

None

Meeting Minutes

Wednesday, September 17, 2003

Item 1 Opening Remarks

Administrative Presiding Justice James A. Ardaiz, Chair of the Reporting of the Record Task Force, called the meeting to order at 1:15 p.m. Justice Ardaiz welcomed everyone's return from the summer break.

Item 2 Resignation by Task Force Member and New Task Force Member

Justice Ardaiz announced the resignation of Mr. Ron D. Barrow (Clerk of the Court, Court of Appeal, First Appellate District) from the task force. Justice Ardaiz commented on the importance of the continued input from the appellate courts and stated Ms. Deena C. Fawcett (Clerk/Administrator, Court of Appeal, Third Appellate District) would fill the position vacated by Mr. Barrow. Additionally, Justice Ardaiz introduced and welcomed Mr. Yonkel Goldstein (Attorney, Office of the General Counsel) as the new task force attorney.

Item 3 Public Comment

Members of the public did not address the task force on this day.

Item 4 Report Regarding New Court Reporting Services Fee

Justice Ardaiz and Ms. Christine E. Patton reported the new one-time fee of \$25 has been implemented to assist the trial courts with the costs of providing an official court reporter. This \$25 fee will be charged to each party upon the filing of a first paper in a civil action or proceeding in a superior court, unless the amount demanded (excluding attorney fees and costs) is \$10,000 or less. (Assembly Bill 1759, Chapter 159, Government Code Section 68086(a)(4)). Justice Ardaiz and Ms. Patton also explained Government Code Section 68086 was further amended to clarify how the half-day court reporting services fee can be charged. (Government Code Section 68086(a)(1-3)). These changes resulted from discussions that took place during the legislative budget deliberations in May 2003. The task force members discussed the implications of these fees.

Item 5 Development of Curriculum on Court Reporting Issues

Ms. Jeanne Millsaps reported the task force working group continues to collaborate with Ms. Maggie Cimino (Education Specialist, Center for Judicial Education and Research, AOC) to develop a curriculum for court reporters. The working group has identified the following seven educational areas: courtroom protocol and communication; administrative functions; courtroom functions; technology; specialized reporting; transcript preparation; and rules, statutes, and regulations. Ms. Millsaps reported the working group would finalize its list of tasks and roles associated with these areas, and then identify learner objectives, suggested content, learning levels, and resources.

Item 6 Previous Panel Presentation

Ms. Sharon Maher conveyed some presenters were taken aback by the avid interest and zeal of some task force members. She emphasized the importance of the task force being clear as to what it has asked the presenters to do and the presenters feeling the task force has given them the opportunity to fully speak on their own behalf. Ms. Maher has observed that discussions with presenters have moved off the planned topic and the presenters were unsure how to respond. She stressed the importance of respecting what the task force has asked presenters to do, their expertise, their space, and their time. The task force reviewed an amendment to add Item 4 “Invited Presenters” to the ground rules.

Motion by Justice Ardaiz: That the task force’s ground rules be approved with the proposed amendment. First: Mr. Gary E. McCurdy; Second: Mr. Gary M. Cramer.

- Passed by consensus of the task force - no opposing votes.

Item 7 Implications of the Digital World on Transcripts

The task force began to discuss the implications of its previous decision that the ideal transcript is a digital transcript. The task force discussed the implications of this recommendation from the perspective of producers and the courts. The members developed a working list of the implications associated with this policy shift. The task force then developed a preliminary policy recommendation, which provides that official court reporters would file the electronic criminal certified verbatim transcript with their court. The court would, in turn, file the master version of this transcript online to a central location.

Item 8 Hotel Shuttle Information

Ms. Claudia Ortega conveyed the shuttle schedule to the task force.

Item 9 Other Business/Adjournment

With no further business, Justice Ardaiz adjourned the meeting at 5:00 p.m.

Meeting Minutes Thursday, September 18, 2003

Item 1 Recap of the Previous Day’s Discussion

Justice Ardaiz called the meeting to order at 8:55 a.m. He briefly summarized the previous day’s conclusions and provided an overview of this day’s agenda. He advised the task force that it would discuss the implications of filing a master, digital version of a criminal certified verbatim transcript with the court online at a central location.

Item 2 Public Comment

Members of the public did not address the task force on this day.

Item 3 Draft Minutes

April 2003 Minutes

The task force reviewed the draft April 2003 minutes and suggested various amendments.

Motion by Justice Ardaiz: That the draft minutes of the April 2003 meeting be approved with the proposed amendments. First: Mr. Cramer; Second: Mr. Len LeTellier.

- Passed by consensus of the task force - no opposing votes.

June 2003 Minutes

Ms. Maura Baldocchi noted the minutes did not reflect the request by members of the public to incorporate their comments in the minutes. Ms. Baldocchi asked how the task force should respond to such requests. The task force discussed whether comments made by members of the public during the public comment portion of the agenda should be included in the minutes or otherwise be made available to task force members upon request. The members also discussed the primary purpose of meeting minutes. The task force concluded the minutes will continue to reflect only the major actions taken by the members and will not include the verbatim comments by those addressing the task force during the public comment portion of the agenda.

Furthermore, the task force agreed a message would be posted on the task force Web site to inform the public that those who will address the task force during public comment and wish their comments to be memorialized, must request their comments be made available to the task force. These persons must also provide a copy of their comments. Staff will place these memorialized comments in the meeting file.

The task force reviewed the draft June 2003 minutes and suggested one amendment.

Motion by Justice Ardaiz: That the draft minutes of the June 2003 meeting be approved with the proposed amendment. First: Mr. McCurdy; Second: Mr. Cramer.

- Passed by consensus of the task force - no opposing votes.

Item 4 Web Site Correspondence to the Task Force

Justice Ardaiz reported the public has not sent any e-mails to the task force via its Web site since the last meeting.

Item 5 Implications of the Digital World on Transcripts (Continued)

The task force further discussed its preliminary policy recommendation, which would require (1) official court reporters to file the digital criminal certified verbatim transcript with their court and (2) the courts to file the master version of this transcript online to a central location. The task force discussed how the cost of the master version of this transcript would be calculated (e.g., page rate, word count), who would pay this amount, the relationship between cost and production, what exactly would be purchased, and who would have access to the transcript. The members developed preliminary policy recommendations concerning transcripts for the following types of cases: criminal appeals; juvenile; civil appeals; criminal (non-appeals); and civil (non-appeals).

- Item 6 Transcript Format – Status Review and Identification of Common Events**
- Item 7 Transcript Format – Identification of Speakers**
- Item 8 Transcript Format – Certificate/Confirmation of Compliance**

Justice Ardaiz moved Items 6-8 to the next day's agenda.

Item 9 Hotel Shuttle Information

Ms. Ortega conveyed the shuttle schedule to the task force.

Item 10 Adjournment

With no further business, Justice Ardaiz adjourned the meeting at 5:00 p.m.

**Meeting Minutes
Friday, September 19, 2003**

Item 1 Recap of the Previous Day's Discussion

Justice Ardaiz called the meeting to order at 8:50 a.m. He recapped the previous day's discussions and stated this day's discussion would focus on transcript format.

Item 2 Public Comment

Members of the public did not address the task force on this day.

Item 3 Airport Shuttle Information

Ms. Ortega distributed the sign-up sheet for shuttles to the airports.

Item 4 Transcript Format – Identification Of Common Events

At the last meeting, Justice Ardaiz asked the court reporter members to draft standards outlining how common events should be identified and explained. Accordingly, Ms. Baldocchi and Ms. Barbara J. Lane led a discussion of the following: a draft definition; purpose; content; users; and format. The task force emphasized the importance of users being able to electronically search the transcript's text. The members then developed a working definition of the identification of common events. Justice Ardaiz asked the court reporter members to develop specific recommendations regarding the content and format of identification of common events for the next meeting.

Item 5 Transcript Format – Identification of Speakers

Mr. Tom Pringle and Ms. Julie R. Peak led a discussion on how some speakers are identified in the transcript, the ability for users to electronically search for these identifications, and how to differentiate a speaker from his or her interpreter. For the next meeting, Justice Ardaiz asked the court reporter members to develop specific recommendations regarding the content and format of this item.

Item 6 Transcript Format – Certificate/Confirmation of Compliance

Mr. Cramer and Ms. Kary Parker led a discussion regarding the purpose, content, and format of the court reporters' certificate. There was a brief discussion as to what the term confirmation of compliance meant and how it was added to the transcript format item list. It was decided that because confirmation of compliance probably refers to the process in which court reporters complete various court forms to verify they have forwarded the transcript to the necessary persons, this item should be removed from the transcript format item list. The task force discussed how the future digital transcript could be certified. Members developed a preliminary recommendation, which provides the transcript will be filed online to a secure site utilizing a registration process. This registration process will require court reporters to certify the record. The certification will be part of the downloaded record or any part thereof. At a later point in time, the members will discuss how to certify partial transcripts, the courts' role in certifying the record, and whether the filing site will be statewide or local.

Item 7 Cost of a Digital Transcript Page for Criminal Appeals and Juvenile Cases

On the previous day, the task force developed a preliminary recommendation, which would allow the courts to own and control the digital transcript for criminal appeals and juvenile cases once the courts have purchased the original from court reporters. To further discuss this preliminary recommendation, the chair added this item to the agenda. In discussing how to calculate the cost of a digital transcript page, the following topics emerged: word count; character count; page rate; folio rate; labor intensive documents; and verifiability. A recommendation or conclusion was not reached on this item.

Item 8 Reporting of the Record Task Force Draft and Final Reports

The chair moved this item to a subsequent meeting agenda.

Item 9 Recap of Task Force Accomplishments to Date and Future Course of Action

Justice Ardaiz stated this was a significantly productive meeting and extremely beneficial in terms of going forward. He thanked the members for their effort and contributions over the previous days.

Item 10 Adjournment

With no further business, Justice Ardaiz adjourned the meeting at 12:00 p.m.